

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE LITIGATION	
THIS DOCUMENT RELATES TO: <i>The City of New York v. Abbott Laboratories, Inc., et al.</i> S.D.N.Y. Case No. 04-CV-06054 <i>County of Albany v. Abbott Laboratories, Inc., et al.</i> N.D.N.Y. Case No. 05-CV-0425 <i>County of Allegany v. Abbott Laboratories, Inc., et al.</i> W.D.N.Y. Case No. 05-CV-0236 <i>County of Broome v. Abbott Laboratories, Inc., et al.</i> N.D.N.Y. Case No. 05-CV-0456 <i>County of Cattaraugus v. Abbott Laboratories, Inc., et al.</i> W.D.N.Y. Case No. 05-CV-0256 <i>County of Cayuga v. Abbott Laboratories, Inc., et al.</i> N.D.N.Y. Case No. 05-CV-0423 <i>County of Chautauqua v. Abbott Laboratories, Inc., et al.</i> W.D.N.Y. Case No. 05-CV-0214 <i>County of Chemung v. Abbott Laboratories, Inc., et al.</i> W.D.N.Y. Case No. 05-CV-6744 <i>County of Chenango v. Abbott Laboratories, Inc., et al.</i> N.D.N.Y. Case No. 05-CV-0354 <i>County of Columbia v. Abbott Laboratories, Inc., et al.</i> N.D.N.Y. Case No. 05-CV-0867 <i>County of Cortland v. Abbott Laboratories, Inc., et al.</i> N.D.N.Y. Case No. 05-CV-0881 <i>County of Dutchess v. Abbott Laboratories, Inc., et al.</i> S.D.N.Y. Case No. 05-CV-6458 <i>County of Essex v. Abbott Laboratories, Inc., et al.</i> N.D.N.Y. Case No. 05-CV-0878 <i>County of Fulton v. Abbott Laboratories, Inc., et al.</i> N.D.N.Y. Case No. 05-CV-0519	MDL NO. 1456 Civil Action No. 01-12257-PBS Judge Patti B. Saris STIPULATED MOTION FOR ORDER PERMITTING DEPOSITION OF HARVEY WEINTRAUB

County of Genesee v. Abbott Laboratories, Inc., et al.
W.D.N.Y. Case No. 05-CV-00267

County of Greene v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-0474

County of Herkimer v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-00415

County of Jefferson v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-0715

County of Lewis v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-0839

County of Madison v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-00714

County of Monroe v. Abbott Laboratories, Inc., et al.
W.D.N.Y. Case No. 05-CV-6148

County of Nassau v. Abbott Laboratories, Inc., et al.
E.D.N.Y. Case No. 04-CV-05126

County of Niagara v. Abbott Laboratories, Inc., et al.
W.D.N.Y. Case No. 05-CV-06296

County of Oneida v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-0489

County of Onondaga v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-0088

County of Ontario v. Abbott Laboratories, Inc., et al.
W.D.N.Y. Case No. 05-CV-6373

County of Orleans v. Abbott Laboratories, Inc., et al.
W.D.N.Y. Case No. 05-CV-6371

County of Putnam v. Abbott Laboratories, Inc., et al.
S.D.N.Y. Case No. 05-CV-04740

County of Rensselaer v. Abbott Laboratories, Inc., et al.
N.D.N.Y. Case No. 05-CV-00422

County of Rockland v. Abbott Laboratories, Inc., et al.
S.D.N.Y. Case No. 03-CV-7055

County of Schuyler v. Abbott Laboratories, Inc., et al.
W.D.N.Y. Case No. 05-CV-6387

County of Seneca v. Abbott Laboratories, Inc., et al.

W.D.N.Y. Case No. 05-CV-6370	
<i>County of St. Lawrence v. Abbott Laboratories, Inc., et al.</i> N.D.N.Y. Case No. 05-CV-0479	
<i>County of Saratoga v. Abbott Laboratories, Inc., et al.</i> N.D.N.Y. Case No. 05-CV-0478	
<i>County of Steuben v. Abbott Laboratories, Inc., et al.</i> W.D.N.Y. Case No. 05-CV-6223	
<i>County of Suffolk v. Abbott Laboratories, Inc., et al.</i> E.D.N.Y. Case No. 03-CV-12257	
<i>County of Tompkins v. Abbott Laboratories, Inc., et al.</i> N.D.N.Y. Case No. 05-CV-0397	
<i>County of Ulster v. Abbott Laboratories, Inc., et al.</i> N.D.N.Y. Case No. 06-CV-0123	
<i>County of Warren v. Abbott Laboratories, Inc., et al.</i> N.D.N.Y. Case No. 05-CV-0468	
<i>County of Washington v. Abbott Laboratories, Inc., et al.</i> N.D.N.Y. Case No. 05-CV-0408	
<i>County of Wayne v. Abbott Laboratories, Inc., et al.</i> W.D.N.Y. Case No. 05-CV-06138	
<i>County of Westchester v. Abbott Laboratories, Inc., et al.</i> S.D.N.Y. Case No. 03-CV-6178	
<i>County of Wyoming v. Abbott Laboratories, Inc., et al.</i> W.D.N.Y. Case No. 05-CV-6379	
<i>County of Yates v. Abbott Laboratories, Inc., et al.</i> W.D.N.Y. Case No. 05-CV-06172	

**STIPULATED MOTION FOR ORDER PERMITTING DEPOSITION
OF HARVEY WEINTRAUB**

Defendants Warrick Pharmaceuticals Corporation ("Warrick"), Schering-Plough Corporation ("Schering"), plaintiffs, the City of New York and captioned New York Counties (both referred to as "NY Counties"), through their undersigned counsel, hereby move for entry of an order permitting the taking of the deposition of Harvey Weintraub for purposes of discovery in the above referenced action. In support of this motion, Warrick, Schering and the NY Counties state as follows:

1. On April 12, 2006 Counsel for Warrick and Schering notified plaintiffs of a scheduled deposition of former Warrick Vice President Harvey Weintraub. An accompanying letter stated that Mr. Weintraub is 77 years old, has a skeletal problem that prevents him from sitting for extended periods without pain, and has Parkinson's disease. The letter indicates, that due to Mr. Weintraub's age and health, he may not be available in the future as a witness.

2. Pursuant to the stipulated Case Management Order No. 21 (Par. 4), the NY Counties and defendants have been limited to conducting new discovery in this matter with third parties only (i.e. there is to be no new discovery between plaintiffs and defendants pending the outcome of the motions to dismiss.)

3. In light of Mr. Weintraub's condition and in order to preserve his testimony in this matter, it is necessary, at this time, to take the deposition of Harvey Weintraub. A proposed form of order is attached.

WHEREFORE, the undersigned parties respectfully request that the Court enter an Order permitting the taking of the deposition of Harvey Weintraub.

Dated: May 8, 2006

Respectfully submitted,
KIRBY McINERNEY & SQUIRE, LLP

By: _____ /s/ _____

Joanne M. Cicala
James P. Carroll Jr.
Aaron D. Hovan
830 Third Avenue
New York, New York 10022
Telephone: (212) 371-6600
Facsimile: (212) 751-2540

*Attorneys for the City of New York and all
captioned New York Counties*

ROPPES & GRAY LLP

By: /s/
John T. Montgomery (BBO#352220)
Steven A. Kaufman (BBO#262230)
Eric P. Christofferson (BBO#654087)

One International Place
Boston, MA 02110
Telephone: 617-951-7000
Facsimile: 617-951-7050

*Attorneys for Schering-Plough Corporation and
Warrick Pharmaceuticals Corporation*

ORDER

IT IS HEREBY ORDERED THAT the restraint on new discovery between Plaintiffs and Defendants per CMO 21 are lifted for the purpose of taking the deposition of Henry Weintraub.

Patti B. Saris
United State District Judge

LOCAL RULE 7.1 CERTIFICATION

Pursuant to Local Rule 7.1(A)(2), the undersigned counsel hereby certify that the parties have conferred in good faith to resolve the issues involved and, as a result, have filed this motion.

/s/

James P. Carroll Jr.

CERTIFICATE OF SERVICE

I certify that on May 8, 2006 a true and correct copy of the forgoing STIPULATED MOTION FOR ORDER PERMITTING DEPOSITION OF HARVEY WEINTRAUB was served on all counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to Verilaw Technologies' successor entity LexisNexis File & Serve for posting and notification to all parties.

/s/

James P. Carroll Jr.